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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/700,610	11/04/2003	Roger G. McMorris	P06463US00	6509
22885	7590	07/23/2004	EXAMINER	
MCKEE, VOORHEES & SEASE, P.L.C. 801 GRAND AVENUE SUITE 3200 DES MOINES, IA 50309-2721			SHAW, ELIZABETH ANNE	
			ART UNIT	PAPER NUMBER
			3644	

DATE MAILED: 07/23/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	10/700,610	MCMORRIS, ROGER G.
	<b>Examiner</b>	<b>Art Unit</b>
	Elizabeth A. Shaw	3644

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

1)  Responsive to communication(s) filed on 04 November 2003.

2a)  This action is **FINAL**.                            2b)  This action is non-final.

3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

4)  Claim(s) 1-9 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5)  Claim(s) \_\_\_\_\_ is/are allowed.

6)  Claim(s) 1-9 is/are rejected.

7)  Claim(s) \_\_\_\_\_ is/are objected to.

8)  Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

9)  The specification is objected to by the Examiner.

10)  The drawing(s) filed on \_\_\_\_\_ is/are: a)  accepted or b)  objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)  The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12)  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a)  All    b)  Some \* c)  None of:  
1.  Certified copies of the priority documents have been received.  
2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_.  
3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1)  Notice of References Cited (PTO-892)  
2)  Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3)  Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 11/4/03.

4)  Interview Summary (PTO-413)  
Paper No(s)/Mail Date.       .  
5)  Notice of Informal Patent Application (PTO-152)  
6)  Other:       .

**DETAILED ACTION**

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Regan (3,537,429) in view of Simone et al (PTO-1449-2 5,296,209). Regan shows a chew toy for an animal comprising a corn cob 20 having a predetermined length and a full cross-section in a natural, unground state. Regan does not teach the flavoring of the corn. Simone et al teach the manufacture of a chew toy for an animal composed of corn cob impregnated with a flavoring agent such as fluoride salt, see column 4, lines 42-50, and other flavorings see column 5, lines 16-20. It is considered that the different edible salts are interchangeable depending upon the function desired. It is also considered that the added flavorings can contain vitamins and other nutrients or that vitamins and other nutrients can be added along with the other flavorings. With respect to claims 1, 5 and 6, to impregnate the corn cob of Regan with the additives of Simone et al it would have been obvious to one skilled in the art in order to incorporate oral care properties to the animals being fed. With respect to claim 4, to use the corn cobs of the combination of Regan and Simone et al to wear down a rodents teeth would have been obvious to one skilled in the art in order to incorporate oral care properties to the

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animals being fed since it is well known in the art that rodents must chew hard, fibrous or resistant things to continually wear their teeth down to usable, comfortable levels.

Claims 7-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Regan and Simone et al as applied to claims 1-3 above, and further in view of Axelrod (3,871,334). The combination Regan and Simone et al does not teach the method of providing the chew toy. Axelrod teaches a method of providing a chew toy wherein the toy 34 is soaked in a solution 22 containing a flavoring agent, drying the toy and permitting the animal to chew on the toy. With respect to claim 7, to use the method of Axelrod on the corn cob chew of the combination of Regan and Simone et al would have been obvious to one skilled in the art in order to provide thorough saturation of the flavorings and nutrients throughout the entire chew toy.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Included for further reference on chew toys are: White (3,638,617), Tock et al (5,637,312), Adams (6,085,692), Arnold et al (6,360,696), Levin et al (6,672,252) and Axelrod et al (2002/0119224).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Elizabeth A. Shaw whose telephone number is 703-308-1853. The examiner can normally be reached on M-Th 9:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael J. Carone can be reached on 703-306-4198. The fax phone

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number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Elizabeth A. Shaw

Examiner

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July 19, 2004



MICHAEL J. COUGHLIN  
SUPERVISORY PATENT EXAMINER